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09/849,510	05/04/2001	Xi Li	SAVI-001	8687

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EXAMINER

WOO, RICHARD SUKYOON

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Dornin. Cartwright.
"53853."

650-35-7247

Office Action Summary

Application No.

09/849,510

Applicant(s)

LI ET AL.

Examiner

Richard Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

- 1) Claims 12 and 28 are objected to because of the following informalities:

In Claim 12, line 1; and Claim 28, line 1, respectively, "said" after "including" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

- 2) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 3) Claims 33-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 33, line 7, the recitation of "may" renders the claim indefinite because it is not clear whether tags are actually read by reader or not.

Claims 36, 39 and 42 contain the same indefinite as cited above.

Claim Rejections - 35 USC § 102

- 4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 5) Claims 33-44 are rejected under 35 U.S.C. 102(e) as being anticipated by "Information Visibility and Its Effect on Supply Chain Dynamics" (hereinafter "Information Visibility").

W.R.T. Claims 33, 36, 39 and 42:

Information Visibility discloses a system including:

a data center;

one or more site servers coupled to the data center;

one or more tags, each of the tags affixed to a good or conveyance; and

one or more users coupled to the data center via the Internet, wherein each of the users are charged a fee per good tracked (see generally page 9, line 7-line 26; page 22, line 36 – page 27, line 8; and page 47, line 1 – page 57, line 15).

W.R.T. Claims 34-35, 37-38, 40-41 and 43-44:

Information Visibility further discloses the system including:

wherein the tags and tags readers both utilize RFID technology; and

an Intransit Data Appliance and an Enterprise server, the enterprise server coupled to the data center and the IDA coupled to the enterprise server to transmit of

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data on the location of a good or conveyance using GPS (see page 9, line 7-line 26; page 22, line 36 – page 27, line 8; and page 47, line 1 – page 57, line 15).

Claim Rejections - 35 USC § 103

6) Claims 1-32 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Information Visibility.

W.R.T. Claims 1, 17 and 45-46:

Information Visibility discloses a method including:

affixing a tag to each good to be tracked and to each conveyance used to store or carry the goods;

marking the location of one of the goods at a data appliance and storing information on the location at a site server coupled to the data appliance; and

uploading the location information to a data center, the data center coupled to the site server (see page 9, line 7-line 26; page 22, line 36 – page 27, line 8; and page 47, line 1 – page 57, line 15).

However, Information Visibility does not expressly disclose the method including:

charging users of the supply chain a fee dependent on the number of tracked goods to access the data center and view reports compiled using the location information regarding each tracked good.

Since Information Visibility discloses a business process optimization software and a communications link that is capable of gathering information in real-time and making it available to everyone (including anyone charging users of the supply chain), it would have been obvious at the time the invention was made to a person having ordinary skill in the art to charge users of the supply chain a fee dependent on the number of tracked goods to access the data center and view reports compiled using the location information regarding each tracked good, for the purpose of optimizing business process by generating more revenues.

W.R.T. Claims 2-16 and 18-32:

Information Visibility further discloses the method including:

aggregating one or more of the goods into a conveyance at a data point and wherein the marking includes indicating an aggregation event occurred at the data point (see page 9, line 7-line 26; page 22, line 36 – page 27, line 8; and page 47, line 1 – page 57, line 15);

wherein the marking further includes performing aggregation-by-interference, wherein an aggregation event occurring at the location for a conveyance automatically indicates that the conveyance has been completely filled with items (*Id.*);

performing de-aggregation-by-interference at a second data point, wherein a de-aggregation event indicating that all items have been removed from the conveyance is generated (see *Supra*);

wherein the tag affixed to the one of the goods is a RFID tag and the marking includes scanning the tag affixed to the one of the goods (see page 9, line 7-line 26; page 22, line 36 – page 27, line 8; and page 47, line 1 – page 57, line 15);

wherein one of the goods is stored in one of the conveyance, the marking includes scanning the tag affixed to one of the conveyance using a reader (*Id.*);

wherein the marking includes scanning a tag using a tag reader (see *Supra*);

wherein the tag reader is coupled to a data appliance (see page 9, line 7-line 26; page 22, line 36 – page 27, line 8; and page 47, line 1 – page 57, line 15);

wherein the tag reader is part of a data appliance (*Id.*);

wherein the marking includes tracking the goods using GPS (see *Supra*);

wherein the storing utilizes the UDAP to communicate the location information from the data appliance to the site server (see page 9, line 7-line 26; page 22, line 36 – page 27, line 8; and page 47, line 1 – page 57, line 15);

accessing the data center and viewing the reports (*Id.*);

aggregating a good into a conveyance when the good is loaded into the conveyance and de-aggregating the good from the conveyance when the good is unloaded from the conveyance (see *Supra*);

compensating for mistakes in the marking by creating tag reads at the data center for missing tag reads (see page 9, line 7-line 26; page 22, line 36 – page 27, line 8; and page 47, line 1 – page 57, line 15);

wherein the compensating includes detecting the missing tag read occurred by (*Id.*); and

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filtering out any duplicative tag reads (see *Supra*).

Conclusion

7) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,285,916 is cited to show a delivery tracking system for tracking parcels during an internal state of delivery within an organization after receipt of the parcel from a parcel delivery service.

US 6,539,360 is cited to show the method and system for processing a package designated for a special handling and notifying an appropriate party as to whether special handling has been applied to the designated package.

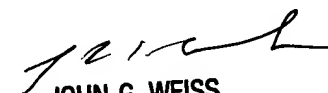
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 703-308-7830. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.



Richard Woo
Patent Examiner
GAU 3629
November 28, 2003



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
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